

DECLARATION OF OIL AND GAS NOTICE

The undersigned, **MARSHALL LAND LLC**, a West Virginia limited liability company, hereby declares:

(1) That Marshall Land LLC is the owner of one or more coal seams or workable coal beds as those terms are defined in West Virginia Code §22-6-1.

(2) That Marshall Land LLC owns, partly or wholly, the coal estate in, on and underlying numerous tracts of land situate in the City of Benwood, the City of McMechen, Washington District, Webster District and/or Union District, Marshall County, West Virginia which are more particularly described in (i) Deed to Marshall Land LLC from Greenbrier Land Company dated November 29, 2007 of record in the office of the Clerk of the County Commission of Marshall County, West Virginia in Deed Book 664, page 502, and (ii) Deed to Marshall Land LLC from PPG Industries, Inc., dated December 3, 2007 of record in the aforesaid Marshall County Clerk's office in Deed Book 664, page 504, reference to which Deeds is hereby made for a more particular description of said tracts (collectively, "Marshall Coal Lands").

(3) That there are coal seams or workable coal beds lying within the Marshall Coal Lands owned, partly or wholly, by Marshall Land LLC.

(4) That Marshall Land LLC desires to be given all notices of oil and gas operations on any of the Marshall Coal Lands as provided by West Virginia Code §§22-6-12 through 14, West Virginia Code §22-6-23 and any other applicable provisions addressed as follows:

↓
Marshall Land LLC
Attention: Douglas C. McElwee
P. O. Box 1791
Charleston, WV 25326

IN WITNESS WHEREOF, Marshall Land LLC has caused its name to be hereunto signed by its proper and duly authorized manager.

MARSHALL LAND LLC
a West Virginia limited liability company

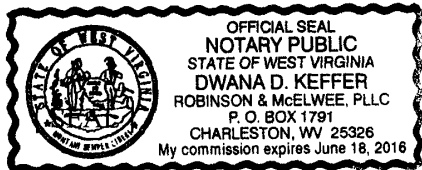
By *Douglas C. McElwee*
Its *Manager*

STATE OF West Virginia,
COUNTY OF Kanawha, to-wit:

The foregoing instrument was acknowledged before me this 4th day of December, 2008, by Douglas C. McElwee, a manager of **MARSHALL LAND LLC**, a West Virginia limited liability company, on behalf of the company.

My commission expires: June 18, 2016

Dwana Keffer
NOTARY PUBLIC



This document was prepared by Douglas C. McElwee, P. O. Box 1791, Charleston, W. Va. 25326.

JAN PEST
MARSHALL County 02:27:10 PM
Instrument No 1261601
Date Recorded 12/08/2008
Document Type O&G
Book-Page 674-601
Recording Fee \$5.00
Additional \$6.00

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 4th day of December, 2008, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 8th day of December, 2008, at 2:27 o'clock P.M.

TESTE: *Jan Pest* Clerk.